
amnesty international

EAST TIMOR

**CONCERNS AND
RECOMMENDATIONS,
ASIA-EUROPE MEETING,
3-4 April 1998, London**

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Background

Amnesty International (AI) has had serious concerns about the human rights situation in East Timor since it was invaded by Indonesia in 1975. These concerns include: extrajudicial executions, "disappearances", the imprisonment of prisoners of conscience, arbitrary arrests of political detainees, torture and ill-treatment and unfair trials.

These human rights violations generally take place in the context of continued resistance, both peaceful and violent, to Indonesian rule. Although a small resistance army, *Falintil*, have conducted a guerilla war against the Indonesian military, most opposition takes the form of non-violent underground resistance by civilians.

There is a high concentration of security forces in East Timor. Human rights violations are carried out by members of the military, the police and by a variety of paramilitary groups. The security forces operate in an atmosphere of almost total impunity. AI considers the lack of investigation into, and accountability for, abuses to be a significant factor in the ongoing cycle of human rights violations.

Human rights abuses including unlawful killings of civilians have also been committed by the armed opposition in East Timor. AI has condemned these killings.

The current human rights situation in East Timor

The human rights situation in East Timor shows no signs of improvement. The conflict intensified during 1997, especially in the run-up to, and immediate aftermath of, parliamentary elections in Indonesia in May. Attacks by the armed opposition against Indonesian military targets and civilians resulted in intensive operations by the Indonesian security forces to punish those responsible. Several hundred people were arrested during these operations. AI fears that some among them may have been arrested for their non-violent pro-independence activities.

At least 28 people arrested during this period have been brought to trial. Two were sentenced to death in December 1997 for their involvement in an ambush on a military truck in which 17 people died. This is the first time that the death sentence has been handed down in East Timor, and suggests a further hardening of Indonesian attitudes towards East Timor. AI is concerned that the trials did not meet with international standards for fair trial.

There are approximately 10 East Timorese prisoners of conscience serving prison sentences of up to life imprisonment. At least 18 POCs were sentenced during 1997 - some of which have been released. The reduction in the number of POCs from previous years hides another trend which is the increasing use of short-term arbitrary arrest against those suspected of supporting East

Timorese independence. Human rights monitors estimate that up to over 280 people, including peaceful activists, have been subjected to short-term, arbitrary detention during the last year. Many of those arrested were held in incommunicado detention. The risk of torture and ill-treatment, which remains commonplace in East Timor, is particularly high during incommunicado detention. AI continues to receive reports of detainees being subjected to beatings, electrocution and other forms of torture. There are at least two recent cases of women are also subjected to rape by the security forces.

Reports of extrajudicial executions and "disappearances" continue to be received. The continued denial of entry to international human rights monitors (including Amnesty International) has so far made verification of these allegations impossible.

In recent months there have also been a number of accusations by the military of killings of civilians by the armed opposition. Most recently the military announced that four people had been killed by the armed opposition in Liquiza regency. Some sources have suggested that these, and other killings, may have been carried out by Indonesian para-military groups or civilian militia's linked to the Indonesian security forces in an attempt to discredit the opposition. In many such cases the military remains the only source of information. AI is currently unable to verify either version of events but considers that the reports simply reinforce the need for independent human rights monitors to be allowed access to the territory to investigate allegations of abuses by the armed opposition as well as by the Indonesian security forces.

Domestic Initiatives

There is now a branch of the National Commission on Human Rights (Komnas HAM) in Dili. Although AI acknowledges the important work done by Komnas HAM in Indonesia itself, the Dili branch is not considered to have been effective so far and is believed to have intervened in only one alleged "disappearance" and is not known to have published any findings on any other investigations it may have conducted. Investigations into a number of incidents have been conducted by representatives of the national office in Jakarta. However, this does not happen on a consistent basis and where it does their recommendations have not been acted upon by the authorities.

Official investigations into allegations of human rights abuses continue to be the exception rather than the rule.

East Timor and the International Community

Efforts to find a solution to the East Timorese at the international level have intensified in the past year. The UN Secretary General has expressed a particular interest in the issue and appointed Personal Representative on East Timor in 1997. Ambassador Marker has conducted two visits to East Timor since his appointment. Another potentially positive development has been the personal interest taken in the issue by the South African President, President Mandela. President Mandela has discussed the issue of East Timor during several meetings with President Suharto in the past year, including calling for the release of the jailed armed opposition leader - Xanana Gusmao and for autonomy for East Timor.

The tripartite talks between Indonesia and Portugal have continued in New York under the auspices of the UN. A third round of All Inclusive East Timorese talks took place in Austria in October 1997. While the international community recognized the grave human rights situation in

East Timor by adopting a resolution on East Timor at the 1997 Commission on Human Rights (CHR).

Despite the increased international activity, there are no visible improvement in the human rights situation on the ground. Indeed, the Indonesian authorities have taken no steps to implement the recommendations contained in the 1997 CHR resolution and all discussions between the Indonesians and the UN Human Rights Centre to upgrade the existing Memorandum of Intent to a Memorandum of Understanding have been frozen since the resolution was passed.

AI continues to maintain that delays to finding a political solution cannot hold up measures being taken to immediately improve the human rights situation on the ground. AI believes that a dramatic and visible improvement is required in order to provide the conditions required for the any long-term solution which is found to be effective and durable.

Amnesty International calls on the Member States of ASEM in their meetings with Indonesia, either individually or in concert, and as part of the ASEM process:

- to ask for the release of all prisoners of conscience
- to use influence to grant regular and unhindered access to national and international human rights monitors;
- to urge the Indonesian authorities to launch investigations into all allegations of human rights violations and to bring those responsible to justice;
- to establish an indigenous East Timor independent human rights commission to effectively monitor and investigate human rights violations - the independent human rights commission should include representatives of East Timor civil society with demonstrated impartiality and individuals with the necessary expertise and credibility;
- to urge the Indonesian authorities to implement recommendations contained in UN Commission on Human Rights resolutions - including the 1997 resolution, chair's statements and reports by UN experts such as the special rapporteur on torture and the special rapporteur on extrajudicial executions;
- to urge the Indonesian authorities to prohibit in practice and in law all forms of torture and ill-treatment.